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| 09/980,885 | 03/22/2002 | Henning Schulzrinne | A31852-PCT USA | 1966 |
| 21003 | 7590 | 01/11/2008 | EXAMINER | |
| BAKER BOTTS L.L.P. | | | KANG, PAUL H | |
| 30 ROCKEFELLER PLAZA | | | | |
| 44TH FLOOR | | | | |
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| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

Office Action Summary

Application No.

09/980,885

Applicant(s)

SCHULZRINNE ET AL.

Examiner

Paul H. Kang

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 31-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/18/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 17, 2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al., US Pat. No. 6,564,261.**

4. As to claims 1 and 30, Gudjonsson teaches a single unified en-user network appliance and a packet data network system for providing packetized data over a packet data network, comprising:

a network controller subsystem coupled to said packet data network for establishing point-to-point communications (Gudjonsson, col. 8, lines 3-65, col. 3, lines 46-62 and col. 24, line 32 - col. 25, line 5);

a digital signal processing subsystem coupled to said network controller subsystem, the digital signal processing subsystem further comprising a computer program for detecting incoming calls and initiating call sessions (Gudjonsson, col. 8, lines 3-65 and col. 8, line 67 – col. 9, line 60);

a signal conversion subsystem coupled to said digital signal processing subsystem; and a user interface subsystem coupled to both the signal conversion subsystem and said digital signal subsystem (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

5. As to claim 2, Gudjonsson teaches the system wherein said digital signal processing subsystem comprises a digital signal processor (DSP) and one or more memory devices coupled to said digital signal processor (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

6. As to claims 3 and 4, Gudjonsson teaches the appliance wherein said computer program implements the Session Initiation Protocol for detecting and initiating call sessions and performing call session control, said address being stored in at least one of said memory devices (Gudjonsson, col. 8, lines 3-65 and col. 8, line 67 – col. 9, line 60).

7. As to claims 5 and 6, Gudjonsson teaches the appliance wherein the packetized data includes audio data and wherein the user interface subsystem comprises: a handset comprising an input device, a microphone and a speaker; and a display device (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

8. As to claims 7 and 8, Gudjonsson teaches the appliance wherein the identifying criteria of at least one approved caller is stored in at least one of said memory devices and wherein said digital signal processor receives identifying criteria from the caller and activates the monitor feature only if the received identifying criteria matches at least one of the stored identifying criteria of said at least one predetermined approved caller; wherein said identifying criteria are selected for the group including name, SIP address and password (Gudjonsson, col. 35, line 12 – col. 36, line 6 and col. 37, lines 23-58).

9. As to claim 9, Gudjonsson teaches the appliance wherein the computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one of said memory devices, at least one of said forwarding SIP addresses being selectable by a user via said user interface subsystem, and wherein on detection of a call directed to the appliance from a caller, said call is redirected to the selected forwarding SIP address (Gudjonsson, col. 9, line 8 – col. 10, line 46).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 11-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Suder et al., US Patent No. 6,842,505 B1.

12. As to claim 11, Gudjonsson teaches the invention substantially as claimed. However, Gudjonsson does not explicitly teach the appliance comprising a sensor coupled to said appliance for detecting the absence of a human being, wherein said call forwarding feature is activated in response to a signal from said sensor.

In the same field of endeavor, Suder teaches a communication system with human presence sensing capabilities (Suder, col. 1, line 37 – col. 2, line 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the human presence sensing, as taught by Suder, into the communication system of Gudjonsson for the purpose of improving call routing and call accessibility.

13. As to claim 12, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes an output device and wherein the computer program implements a streaming media mode wherein streaming data is received from the network and is converted to perceptible signals provided to said output device (Gudjonsson, col. 7, line 35 – col. 8, line 2).

14. As to claims 13-17, Gudjonsson-Suder teach the appliance wherein the output device includes a speaker and wherein streaming data is selectively received from the network and is converted to audio signals provided to said speaker; and wherein when no call session is in progress streaming data is received from the network and is converted to audio signals provided to said speaker; further wherein the streaming data is received from the network and is selectively forwarded to another device during a call session where the data is convertible to perceptible signals by said device wherein the output device includes a video display and wherein streaming data includes streaming video data which is selectively received from the network and is converted to video signals provided to said display (Gudjonsson, col. 9, line 8 – col. 10, line 46).

15. As to claim 18, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes a display device and wherein the digital signal processor detects the SIP address of callers and stores a plurality of caller SIP addresses in at least one of said memory devices, said plurality of caller SIP addresses being displayable on said display device and selectable in response to an input from the user interface subsystem (Gudjonsson, col. 34, line 26 – col. 35, line 64).

16. As to claim 19, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes a display device and wherein the digital signal processor (DSP) stores a plurality of called SIP addresses in said memory device, said called SIP addresses corresponding to the address of successfully initiated call sessions and being displayable on said display device and selectable in response to an input from the user interface subsystem (Gudjonsson, col. 34, line 26 – col. 35, line 64).

17. As to claim 21, Gudjonsson-Suder teach the appliance wherein said DSP subsystem further comprises an A/D converter for encoding incoming audio data into digital incoming audio data; an encoder coupled to said A/D converter for encoding said digital incoming audio data; a decoder for decoding digital outgoing audio data provided by said DSP subsystem; a D/A converter coupled to said decoder for converting digital outgoing audio data into outgoing audio data; and an audio amplifier coupled to the handset and the corresponding speaker and microphone for conditioning said incoming and outgoing audio data (Gudjonsson, col. 9, line 8 – col. 10, line 46).

18. Claims 10, 20 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson-Suder, and further in view of Forslow, US Patent No. 6,608,832 B1.

19. As to claims 20, 22 and 23, Gudjonsson-Suder teaches the invention substantially as claimed. However, Gudjonsson-Suder does not explicitly teach the appliance comprising an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP protocol layers; further comprising an Ethernet controller and a service filter. In the same field of endeavor, Forslow teaches a mobile communications network comprising an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP (Forslow, col. 11, line 56 – col. 12, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the well known network protocols as taught by Forslow into the system of Gudjonsson-Suder since it is desirable to implement the communications system on a widely implemented communications protocol.

20. As to claims 10, 24 and 25, 26, 27, Gudjonsson-Suder-Forslow teach the appliance further comprising at least one sensor, said DSP acquires data from the sensor at predetermined time intervals, continuously, or based on an interrupt signal, formats the acquired data as network packet data and transmits the data to a predetermined destination on the network (Suder, col. 1, line 37 – col. 2, line 44 and col. 11, line 41 – col. 12, line 52).

21. As to claim 28, Gudjonsson-Suder-Forslow teach the appliance including a call forwarding feature, said feature being selectively enabled in response to a signal applied to said sensor interface circuit (Suder, col. 11, line 41 – col. 12, line 52).

22. As to claim 29, Gudjonsson-Suder-Forslow teach the appliance further comprising a sensor for detecting the presence of a human being coupled to said sensor interface circuit and providing the signal for selectively enabling the call forwarding feature (Suder, col. 11, line 41 – col. 12, line 52).

Response to Arguments

23. Applicant's arguments filed December 17, 2007 have been fully considered but they are not persuasive. The applicants argued in substance that the prior art of record fails to teach or suggest the newly added limitation of a "single unified end-user" and a network controller subsystem "for establishing point-to-point communications." Applicant has amended claims 1 and 30 to reflect the discussions of the telephonic interview of May 31, 2007. During that interview, the applicant was advised that any amendments made to overcome the prior art of record would be considered when filed. No agreements were reached in that interview.

24. Upon consideration of the newly added limitations, it is the position of the examiner that the prior art teaches the newly added limitations. Specifically, Gudjonsson teaches a system for establishing communication session over IP and other networks. Among the services provided are voice chat, a point-to-point communication (See Gudjonsson, col. 3, lines 46-62).

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
Art Unit 2144